

Brown, about her person causing injury and caused the Plaintiff to be in fear and apprehension of immediate physical harm.

3. The assault and battery was malicious, intentional, willful, and without provocation.

4. As a direct and proximate result of the aforementioned acts of Defendant, Amirah Abdul-Kareem, Plaintiff, Tanya Brown, has been injured and required to seek and obtain medical care and attention, incurring expenses as a result thereof, has suffered great physical pain, mental anguish and emotional distress, has been unable to engage in her usual activities, and with reasonable certainty will continue to require medical care and attention, incurring expenses as a result thereof, and suffer great physical pain, mental anguish and emotional distress, and will continue to be unable to engage in her usual activities, all to her detriment.

COUNT TWO

5. Plaintiff re-alleges and re-avers each and every allegation contained in Paragraphs One (1) through Four (4) of Plaintiff's Complaint as if fully rewritten herein and expressly made part hereof, and further alleges:

6. Plaintiff seeks monetary damages for physical injury and emotional distress; violations of her civil rights under 42 U.S.C. §1983; and state violations.

7. Defendant, Cuyahoga County is a legal and political entity established under the laws of the State of Ohio, with all the powers specified and necessarily implied by the Constitution and

the laws of the State of Ohio and exercised by duly elected city council members, full-time city officers, and their duly appointed and hired agents and employees and/or mayor.

8. On or about March 25, 2017, at the Cuyahoga County Jail located at 1215 West 3rd Street, Cleveland, Ohio 44113, County of Cuyahoga, State of Ohio, Defendant, Officer Amirah Abdul-Kareem, who was and/or is an employee of Defendant Cuyahoga County, and acting in the course and scope of her employment for the benefit of Defendant Cuyahoga County, committed an assault and/or used excessive force on or about the person of Plaintiff Tanya Brown, whereby Defendant strike and/or push and/or shove and/or grab and/or kick and/or pepper spray Plaintiff Tanya Brown about her person, causing her injury.

9. By engaging in the above-described misconduct, including the use of excessive force, Defendants, acting under color of state law, violated Plaintiff Tanya Brown's federally-protected civil rights under 42 U.S.C. § 1983, including Plaintiff Tanya Brown's fourth amendment rights.

10. Defendants have failed and continue to fail to adopt and enforce appropriate policies and procedures for its employees and/or offices to effectively control, communicate, and interact with the general public, including Plaintiff Tanya Brown. Thus, Defendants, acting under color of state law, deprived Plaintiff Tanya Brown of her federally-protected civil rights by:

a. Formulating, maintaining, authorizing, ratifying, condoning, and acquiescing in policies, customs, and practices which proximately caused the constitutional deprivations alleged herein;

b. Training and supervising police officers and/or correction officers with deliberate indifference to the constitutional rights of persons such as Plaintiff Tanya Brown;

c. Setting in motion a series of acts by others, or knowingly refusing to terminate a series of acts by others, which they knew or reasonably should have known would cause others to inflict injury on Plaintiff Tanya Brown.

11. In doing all of the acts complained of herein, Defendants acted intentionally, recklessly and/or with deliberate indifference to Plaintiff Tanya Brown's wellbeing, all under the color of state law to deprive Plaintiff Tanya Brown of her constitutionally-protected rights to be free from excessive use of force.

12. As a direct and proximate result of the aforementioned acts, Plaintiff Tanya Brown has suffered and continues to suffer humiliation, anxiety, indignity, and mental and emotional anguish and bodily injury.

13. Pursuant to 42 U.S.C. § 1988(b), Plaintiff Tanya Brown is entitled to recover reasonable attorney fees and costs incurred in bringing this action.

COUNT THREE

14. Plaintiff re-alleges and re-avers each and every allegation contained in Paragraphs One (1) through Thirteen (13) of Plaintiff's Complaint as if fully rewritten herein and expressly made part hereof, and further alleges:

15. As a result of the attack, Plaintiff suffered serious emotional distress.

16. The Defendants should have known that such an attack would result in serious emotional distress to Plaintiff.

17. The Defendants' conduct was extreme and outrageous, going beyond all possible bounds of decency in a manner that can be considered as utterly intolerable in a civilized community.

18. The Defendants' actions were the proximate cause of Plaintiff's emotional injuries.

19. The mental anguish suffered by Plaintiff is serious and of a nature that no reasonable person could or should be expected to endure it.

20. As a result of the Defendants' actions, Plaintiff suffered emotional distress in excess of Twenty-Five Thousand Dollars (\$25,000).

WHEREFORE, Plaintiff, Tanya Brown, prays for judgment against the Defendants, Cuyahoga County and Officer Amirah Abdul-Kareem, jointly and severally, on **Count One** of Plaintiff Tanya Brown's Complaint in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) for compensatory damages and in excess of Twenty-Five Thousand Dollars (\$25,000.00) for punitive damages, together with costs incurred herein and interest from the date of judgment. Plaintiff further prays for any and all other relief deemed appropriate by this Court including, but not limited to, court costs, interest, costs and attorney fees.

WHEREFORE, Plaintiff Tanya Brown prays for judgment against the Defendants, Cuyahoga County and Officer Amirah Abdul-Kareem, jointly and severally, on **Count Two** of Plaintiff Tanya Brown's Complaint in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) for compensatory damages and in excess of Twenty-Five Thousand Dollars (\$25,000.00) for punitive damages, together with costs incurred herein and interest from the date of judgment. Plaintiff further prays for any and all other relief deemed appropriate by this Court, including, but not limited to, court costs, interest, costs and/or attorney fees.

WHEREFORE, Plaintiff, Tanya Brown, prays for judgment against the Defendants, Cuyahoga County and Officer Amirah Abdul-Kareem, jointly and severally, on **Count Three** of

Plaintiff Tanya Brown's Complaint in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) for compensatory damages and in excess of Twenty-Five Thousand Dollars (\$25,000.00) for punitive damages, together with costs incurred herein and interest from the date of judgment. Plaintiff further prays for any and all other relief deemed appropriate by this Court including, but not limited to, court costs, interest, costs and attorney fees.

Respectfully Submitted,



Daren T. Niemi (0093640)
Kenneth C. Podor (0014067)
THE PODOR LAW FIRM, LLC
33565 Solon Rd
Solon, Ohio 44139
P: (440) 914-5297
F: (440) 914-0377
E: dniemi@podorlaw.com
podorlaw@gmail.com
Attorneys for Plaintiff Tanya Brown

CERTIFICATE OF SERVICE

The foregoing Amended Complaint was served this 19th day of September, 2018 to all parties registered with the Clerk's electronic Notice System.

Respectfully Submitted,



Daren T. Niemi
Kenneth C. Podor
Attorneys for Plaintiff Tanya Brown